

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 12, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 8. IC 5-1-16-42 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) When the
- 4 authority, the board of trustees or board of managers of the hospital, the
- 5 board of commissioners of the county, and a majority of the county
- 6 council have agreed upon the terms and conditions of any lease
- 7 proposed to be entered into under section 38 or 39 of this chapter, and
- 8 before the final execution of the lease, the county auditor shall give
- 9 notice by publication of a public hearing to be held in the county by the
- 10 board of commissioners. The hearing shall take place on a day not
- 11 earlier than ten (10) days after the publication of the notice. The notice
- 12 of the hearing shall be published one (1) time in a newspaper of general
- 13 circulation printed in the English language and published in the county.
- 14 The notice shall do the following:
- 15 (1) Name the day, place, and hour of the hearing.
- 16 (2) Set forth a brief summary of the principal terms of the lease
- 17 agreed upon, including the character and location of the property
- 18 to be leased, the lease rental to be paid, and the number of years
- 19 the contract is to be in effect.
- 20 (3) State a location where the proposed lease, drawings, plans,
- 21 specifications, and estimates may be examined.
- 22 The proposed lease and the drawings, plans, specifications, and
- 23 estimates of construction cost for the building shall be open to
- 24 inspection by the public during the ten (10) day period and at the

1 hearing. All interested persons shall have a right to be heard at the
 2 hearing on the necessity for the execution of the lease and whether the
 3 lease rental under the lease is fair and reasonable. The hearing may be
 4 adjourned to a later date with the place of the hearing fixed prior to
 5 adjournment. Following the hearing, the board of commissioners may
 6 either authorize the execution of the lease as originally agreed upon or
 7 may make modifications that are agreed upon by the authority, the
 8 board of trustees or board of managers of the hospital, and the county
 9 council. The authorization shall be by an order that is entered in the
 10 official records of the board of commissioners. The lease contract shall
 11 be executed on behalf of the county by the board of commissioners.

12 (b) If the execution of the lease as originally agreed upon or as
 13 modified by agreement is authorized, notice of the signing of the lease
 14 shall be given on behalf of the county by publication one (1) time in a
 15 newspaper of general circulation printed in the English language and
 16 published in the county. Except as provided in subsection (d), ten (10)
 17 or more taxpayers in the county whose tax rate will be affected by the
 18 proposed lease and who may be of the opinion that no necessity exists
 19 for the execution of the lease or that the lease rental under the lease is
 20 not fair and reasonable may file a petition in the office of the county
 21 auditor within thirty (30) days after publication of notice of the
 22 execution of the lease that sets forth the taxpayers' objections and facts
 23 supporting those objections. Upon the filing of a petition, the county
 24 auditor shall immediately certify a copy of the petition together with
 25 such other data as may be necessary in order to present the questions
 26 involved to the department of local government finance. Upon receipt
 27 of the certified petition and information, the department of local
 28 government finance shall fix a time and place in the affected county for
 29 the hearing of the matter that is not less than five (5) or more than
 30 fifteen (15) days after receipt. Notice of the hearing shall be given by
 31 the department of local government finance to the board of county
 32 commissioners and to the first ten (10) taxpayer petitioners upon the
 33 petition by certified mail sent to the addresses listed on the petition at
 34 least five (5) days before the date of the hearing.

35 (c) No action to contest the validity of the lease or to enjoin the
 36 performance of any of the terms and conditions of the lease shall be
 37 instituted at any time later than thirty (30) days after publication of
 38 notice of the execution of the lease, or if an appeal has been taken to
 39 the department of local government finance, then within thirty (30)
 40 days after the decision of the department.

41 (d) The authority for taxpayers to object to a proposed lease under
 42 subsection (b) does not apply if the authority complies with the
 43 procedures for the issuance of bonds and other evidences of
 44 indebtedness described in ~~IC 6-1.1-20-3.1~~ and ~~IC 6-1.1-20-3.2.~~
 45 **IC 6-1.1-20."**

46 Page 100, delete lines 5 through 42.

Page 101, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 117. IC 6-1.1-18-3, AS AMENDED BY P.L.224-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Except as provided in ~~subsection~~ **subsections (b), and (c)**, the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

(1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or

(2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

(1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.

(2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.

(3) To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

(4) To pay the principal or interest upon an obligation issued in the manner provided in:

(A) IC 6-1.1-20-3 (before its repeal); or

(B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2 **(in the case of a preliminary determination made before July 1, 2008, to issue bonds or enter into a lease); or**

(C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6 **(in the case of a preliminary determination made after June 30, 2008, to issue bonds or enter into a lease).**

(5) To pay a judgment rendered against the political subdivision.

~~(6) To meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1).~~

~~(7)~~ **(6)** To meet the requirements of the county hospital care for

the indigent fund.

(8) ~~To meet the requirements of the children's psychiatric residential treatment services fund for children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1):~~

(c) Except as otherwise provided in IC 6-1.1-19, IC 6-1.1-18.5, IC 20-45, or IC 20-46, a county board of tax adjustment (before January 1, 2009) **or** a county board of tax and capital projects review (after December 31, 2008) ~~a county auditor; or the department of local government finance~~ may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection."

Page 112, delete lines 9 through 42.

Page 113, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 124. IC 6-1.1-18.5-8, AS AMENDED BY P.L.224-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a ~~civil~~ taxing unit if the ~~civil~~ taxing unit is committed to levy the taxes to pay or fund either:

(1) bonded indebtedness; or

(2) lease rentals under a lease with an original term of at least five (5) years.

(b) This subsection does not apply to bonded indebtedness incurred or leases executed for a capital project approved by a county board of tax and capital projects review under IC 6-1.1-29.5 after December 31, 2008 **or by the voters in an election held under IC 6-1.1-20-3.6**. A ~~civil~~ taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2); IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is applicable~~, unless the ~~civil~~ taxing unit demonstrates that a longer period is reasonable in light of the ~~civil~~ taxing unit's facts and circumstances. A ~~civil~~ taxing unit must obtain approval from the department of local government finance before the ~~civil~~ taxing unit may:

(1) incur the bonded indebtedness; or

(2) enter into the lease.

Before January 1, 2009, the department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the ~~civil~~ taxing unit. A ~~civil~~ taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A ~~civil~~ taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the ~~civil~~ taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a ~~civil~~ taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section."

Page 115, delete lines 20 through 42.

Delete pages 116 through 118.

Page 119, delete lines 1 through 33, begin a new paragraph and insert:

"SECTION 130. IC 6-1.1-20-1.9, AS ADDED BY P.L.219-2007, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.9. As used in this chapter, "registered voter" means the following:

(1) In the case of a petition under section 3.1 of this chapter to initiate a petition and remonstrance process, an individual who is registered to vote in the political subdivision on the date the proper officers of the political subdivision publish notice under section ~~3.1(2)~~ **3.1(b)(2)** of this chapter of a preliminary determination by the political subdivision to issue bonds or enter into a lease.

(2) In the case of:

(A) a petition under section 3.2 of this chapter in favor of the proposed debt service or lease payments; or

(B) a remonstrance under section 3.2 of this chapter against the proposed debt service or lease payments;

an individual who is registered to vote in the political subdivision

on the date that is thirty (30) days after the notice of the applicability of the petition and remonstrance process is published under section ~~3.2~~(+) **3.2(b)(1)** of this chapter.

(3) In the case of an election under section 3.5 of this chapter, an individual who is registered to vote in the political subdivision on the date the proper officers of the political subdivision publish notice under section 3.5(b)(2) of this chapter of a preliminary determination by the political subdivision to issue bonds or enter into a lease.

(4) In the case of an election under section 3.6 of this chapter, an individual who is registered to vote in the political subdivision on the date the proper officers of the political subdivision publish notice under section 3.6(b)(1) of this chapter.

SECTION 131. IC 6-1.1-20-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2.5. An individual is not required to comply with the provisions of IC 3 concerning providing proof of identification to do any of the following as a registered voter in a political subdivision:**

(1) Sign a petition under section 3.1 of this chapter.

(2) Sign a petition or remonstrance under section 3.2 of this chapter.

(3) File a statement under section 3.5 of this chapter to request an election be held under section 3.6 of this chapter.

(4) Vote in an election held under section 3.6 of this chapter.

SECTION 132. IC 6-1.1-20-3.1, AS AMENDED BY P.L.219-2007, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.1. (a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination before July 1, 2008, to issue bonds or enter into a lease.**

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of a political subdivision shall:

(A) publish notice in accordance with IC 5-3-1; and

(B) send notice by first class mail to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices;

of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.

(2) When the proper officers of a political subdivision make a

preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in subdivision (1)(B).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that any owners of real property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) one hundred (100) persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of real

property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of real property or registered voters and may be allowed to pick up additional copies to distribute to other property owners or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of real property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as a real property owner must indicate the address of the real property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of real property in the political subdivision; and

(B) whether a person who signed the petition as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

(9) The county voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8) make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own real property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. ~~However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter.~~ A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of real property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within thirty-five (35) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of real property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of real property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

SECTION 133. IC 6-1.1-20-3.2, AS AMENDED BY P.L.219-2007, SECTION 61, AND AS AMENDED BY P.L.224-2007, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. **(a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination before July 1, 2008, to issue bonds or enter into a lease.**

(b) If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance process by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in section ~~3.1(1)(B)~~ **3.1(b)(1)(B)** of this chapter.

A notice under this subdivision must include a statement that any owners of real property *within the political subdivision or registered voters residing* within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

(2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision (1) is given:

(A) petitions (described in subdivision (3)) in favor of the bonds or lease; and

(B) remonstrances (described in subdivision (3)) against the bonds or lease;

may be filed by an owner or owners of real property *within the political subdivision or a registered voter residing* within the political subdivision. Each signature on a petition must be dated, and the date of signature may not be before the date on which the petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the county ~~auditor~~ *voter registration office* under subdivision (4).

(3) The state board of accounts shall design and, upon request by the county ~~auditor~~, voter registration office, deliver to the county ~~auditor~~ voter registration office or the county ~~auditor's~~ voter registration office's designated printer the petition and remonstrance forms to be used solely in the petition and remonstrance process described in this section. The county ~~auditor~~ voter registration office shall issue to an owner or owners of real property *within the political subdivision or a registered voter residing within the political subdivision* the number of petition or remonstrance forms requested by the owner or owners *or the registered voter*. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;

(D) govern the closing date for the petition and remonstrance period; and

(E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may ~~not~~ be required to identify themselves *as owners of real property or registered voters* and may be allowed to pick up additional copies to distribute to other property owners *or registered voters*. *Each person signing a petition or remonstrance must indicate whether the person is signing the petition or remonstrance as a registered voter within the political subdivision or is signing the petition or remonstrance as the owner of real property within the political subdivision. A person who signs a petition or remonstrance as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition or remonstrance as a real property owner must indicate the address of the real property owned by the person in the political subdivision.* The county ~~auditor~~ voter registration office may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county ~~auditor~~ voter registration office shall certify the date of issuance on each petition or remonstrance form that is distributed under this subdivision.

(4) The petitions and remonstrances must be verified in the manner prescribed by the state board of accounts and filed with the county ~~auditor~~ voter registration office within the sixty (60) day period described in subdivision (2) in the manner set forth in section 3.1 of this chapter relating to requests for a petition and remonstrance process.

(5) The county voter registration office shall determine whether each person who signed the petition or remonstrance is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition or remonstrance forward a copy of the petition or remonstrance to the county auditor. Not more than ten (10) business days after receiving the copy of the petition or remonstrance, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition or remonstrance as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of real property in the political subdivision; and

(B) whether a person who signed the petition or remonstrance as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

(6) The county voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (5) make the final determination of:

(A) the number of registered voters in the political subdivision that signed a petition and, based on the statement provided by the county auditor, the number of owners of real property within the political subdivision that signed a petition; and

(B) the number of registered voters in the political subdivision that signed a remonstrance and, based on the statement provided by the county auditor, the number of owners of real property within the political subdivision that signed a remonstrance.

Whenever the name of an individual who signs a petition or remonstrance as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition or remonstrance under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition or remonstrance only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of

1 *whether the person is both a registered voter in the political*
 2 *subdivision and the owner of real property within the political*
 3 *subdivision. Notwithstanding any other provision of this section,*
 4 *if a petition or remonstrance is presented to the county voter*
 5 *registration office within thirty-five (35) days before an election,*
 6 *the county voter registration office may defer acting on the*
 7 *petition or remonstrance, and the time requirements under this*
 8 *section for action by the county voter registration office do not*
 9 *begin to run until five (5) days after the date of the election.*

10 ~~(5)~~ (7) The county ~~auditor~~ voter registration office must file a
 11 certificate and the petition or remonstrance with the body of the
 12 political subdivision charged with issuing bonds or entering into
 13 leases within ~~fifteen (15)~~ thirty-five (35) business days of the
 14 filing of a petition or remonstrance under subdivision (4),
 15 whichever applies, containing ten thousand (10,000) signatures or
 16 less. The county ~~auditor~~ voter registration office may take an
 17 additional five (5) days to review and certify the petition or
 18 remonstrance for each additional five thousand (5,000) signatures
 19 up to a maximum of sixty (60) days. The certificate must state the
 20 number of petitioners and remonstrators that are owners of real
 21 property *within the political subdivision and the number of*
 22 *petitioners who are registered voters residing within the political*
 23 *subdivision.*

24 ~~(6)~~ (8) If a greater number of *persons who are either* owners of
 25 real property *within the political subdivision or registered voters*
 26 *residing within the political subdivision* sign a remonstrance than
 27 the number that signed a petition, the bonds petitioned for may
 28 not be issued or the lease petitioned for may not be entered into.
 29 The proper officers of the political subdivision may not make a
 30 preliminary determination to issue bonds or enter into a lease for
 31 the controlled project defeated by the petition and remonstrance
 32 process under this section or any other controlled project that is
 33 not substantially different within one (1) year after the date of the
 34 county ~~auditor's~~ voter registration office's certificate under
 35 subdivision ~~(5)~~ (7). Withdrawal of a petition carries the same
 36 consequences as a defeat of the petition.

37 ~~(7)~~ (9) After a political subdivision has gone through the petition
 38 and remonstrance process set forth in this section, the political
 39 subdivision is not required to follow any other remonstrance or
 40 objection procedures under any other law (including section 5 of
 41 this chapter) relating to bonds or leases designed to protect
 42 owners of real property within the political subdivision from the
 43 imposition of property taxes to pay debt service or lease rentals.
 44 However, the political subdivision must still receive the approval
 45 of the department of local government finance *if* required by:

46 (A) IC 6-1.1-18.5-8; or

(B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

SECTION 134. IC 6-1.1-20-3.4, AS ADDED BY P.L.224-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.4. **(a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination before July 1, 2008, to issue bonds or enter into a lease.**

~~(a)~~ **(b)** Notwithstanding any other provision of this chapter, the executive of a political subdivision may initiate the petition and remonstrance process under this chapter for the approval or disapproval of a proposed controlled project of the political subdivision that has been disapproved under IC 6-1.1-29.5 by the county board of tax and capital projects review.

~~(b)~~ **(c)** The executive of a political subdivision may initiate the petition and remonstrance process under this chapter for a proposed controlled project that has been disapproved by the county board of tax and capital projects review by giving notice of the applicability of the petition and remonstrance process as provided in section 3.2~~(1)~~ **3.2(b)(1)** of this chapter not more than sixty (60) days after the county board of tax and capital projects review disapproves the proposed controlled project.

~~(c)~~ **(d)** Section 3.2 of this chapter applies to a petition and remonstrance process initiated under this section. However, a sufficient petition requesting the application of a petition and remonstrance process is not required to be filed as set forth in section 3.1 of this chapter before the executive of a political subdivision may initiate the petition and remonstrance process as provided in this section.

~~(d)~~ **(e)** If the number of owners of real property within the political subdivision and registered voters residing within the political subdivision that sign a petition in favor of the proposed controlled project is greater than the number of owners of real property within the political subdivision and registered voters residing within the political subdivision that sign a remonstrance against the proposed controlled project, the political subdivision may undertake the proposed controlled project, notwithstanding the disapproval of the proposed controlled project by the county board of tax and capital projects review under IC 6-1.1-29.5.

SECTION 135. IC 6-1.1-20-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.5. **(a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination after June 30, 2008, to issue bonds or enter into a lease.**

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals unless the following conditions are met:

- 1 (1) The proper officers of the political subdivision shall:
 - 2 (A) publish notice in accordance with IC 5-3-1; and
 - 3 (B) send notice by first class mail to any organization that
 - 4 delivers to the officers, before January 1 of that year, an
 - 5 annual written request for notices;
 - 6 of any meeting to consider the adoption of an ordinance or a
 - 7 resolution making a preliminary determination to issue bonds
 - 8 or enter into a lease and shall conduct a public hearing on a
 - 9 preliminary determination before adoption of the ordinance
 - 10 or resolution.
- 11 (2) If the proper officers of a political subdivision make a
 - 12 preliminary determination to issue bonds or enter into a lease,
 - 13 the officers shall give notice of the preliminary determination
 - 14 by:
 - 15 (A) publication in accordance with IC 5-3-1; and
 - 16 (B) first class mail to the organizations described in
 - 17 subdivision (1)(B).
- 18 (3) A notice under subdivision (2) of the preliminary
 - 19 determination of the political subdivision to issue bonds or
 - 20 enter into a lease must include the following information:
 - 21 (A) The maximum term of the bonds or lease.
 - 22 (B) The maximum principal amount of the bonds or the
 - 23 maximum lease rental for the lease.
 - 24 (C) The estimated interest rates that will be paid and the
 - 25 total interest costs associated with the bonds or lease.
 - 26 (D) The purpose of the bonds or lease.
 - 27 (E) A statement that any owners of real property within
 - 28 the political subdivision or registered voters residing
 - 29 within the political subdivision who want to initiate an
 - 30 election on the proposed debt service or lease payments
 - 31 must file a statement that complies with subdivisions (4)
 - 32 and (5) not later than thirty (30) days after publication of
 - 33 the notice in accordance with IC 5-3-1.
 - 34 (F) With respect to bonds issued or a lease entered into to
 - 35 open:
 - 36 (i) a new school facility; or
 - 37 (ii) an existing facility that has not been used for at least
 - 38 three (3) years and that is being reopened to provide
 - 39 additional classroom space;
 - 40 the estimated costs the school corporation expects to
 - 41 annually incur to operate the facility.
 - 42 (G) A statement of whether the school corporation expects
 - 43 to appeal for a new facility adjustment (as defined by
 - 44 IC 20-45-1-16) for an increased maximum permissible
 - 45 tuition support levy to pay any estimated costs described
 - 46 in clause (F).
- 47 (4) After notice is given under subdivision (2), statements

1 requesting an election under section 3.6 of this chapter may be
2 filed by the lesser of:

3 (A) one hundred (100) persons who are either owners of
4 real property within the political subdivision or registered
5 voters residing within the political subdivision; or

6 (B) five percent (5%) of the registered voters residing
7 within the political subdivision.

8 The state board of accounts shall design and, upon request by
9 the county voter registration office, deliver to the county voter
10 registration office or the county voter registration office's
11 designated printer the statement forms that must be used in
12 the process described in this subdivision. The county voter
13 registration office shall issue to an owner of real property
14 within the political subdivision or a registered voter residing
15 within the political subdivision a statement form on which the
16 owner or voter may request an election under section 3.6 of
17 this chapter with an appropriate mark. A statement form filed
18 under this subdivision may not contain any information
19 identifying the individual filing the form. An individual filing
20 a statement form shall place the form in a sealed envelope.
21 The information required by this subdivision must be placed
22 on the outside of the sealed envelope. The sealed envelopes
23 may not be opened until the final determination required by
24 subdivision (7) is made. Real property owners and voters
25 requesting a statement form shall be required to identify
26 themselves as owners of real property or registered voters.
27 Each individual filing a statement must indicate whether the
28 individual is filing the statement as a registered voter within
29 the political subdivision or is filing the statement as the owner
30 of real property within the political subdivision. An individual
31 who files a statement as a registered voter must indicate the
32 address at which the individual is registered to vote. An
33 individual who files a statement as a real property owner
34 must indicate the address of the real property owned by the
35 individual in the political subdivision. A person is entitled to
36 file a statement only one (1) time under this subdivision
37 regardless of whether the person owns more than one (1)
38 parcel of real property within the subdivision and regardless
39 of whether the person is both a registered voter in the political
40 subdivision and the owner of real property within the political
41 subdivision.

42 (5) A statement form requesting an election under section 3.6
43 of this chapter must be filed with the county voter registration
44 office not more than thirty (30) days after the publication
45 under subdivision (2) of the notice of the preliminary
46 determination.

47 (6) The county voter registration office shall examine the

1 sealed envelopes filed under subdivision (4) to determine
 2 whether each person who filed a statement under this section
 3 is a registered voter. Except as otherwise provided in this
 4 chapter, in determining whether an individual is a registered
 5 voter, the county voter registration office shall apply the
 6 requirements and procedures used under IC 3 to determine
 7 whether a person is a registered voter for purposes of voting
 8 in an election governed by IC 3. The county voter registration
 9 office shall, not more than fifteen (15) business days after the
 10 expiration of the period in which statements must be filed
 11 under subdivision (5), forward the sealed envelopes to the
 12 county auditor. Not more than ten (10) business days after
 13 receiving the sealed envelopes, the county auditor shall
 14 provide to the county voter registration office a statement
 15 verifying:

16 (A) whether a person who filed a statement as a registered
 17 voter but is not a registered voter, as determined by the
 18 county voter registration office, is the owner of real
 19 property in the political subdivision; and

20 (B) whether a person who filed a statement as an owner of
 21 real property within the political subdivision does in fact
 22 own real property within the political subdivision.

23 (7) The county voter registration office shall, not more than
 24 ten (10) business days after receiving the statement from the
 25 county auditor under subdivision (6), open the sealed
 26 envelopes and make the final determination of the number of
 27 statements requesting an election under section 3.6 of this
 28 chapter that:

29 (A) were filed by individuals who are registered voters in
 30 the political subdivision; and

31 (B) based on the statement provided by the county auditor,
 32 were filed by persons that own real property within the
 33 political subdivision.

34 (8) The county voter registration office must file a certificate
 35 with:

36 (A) the township trustee, if the political subdivision is a
 37 township, who shall present the certificate to the township
 38 board; or

39 (B) the body that has the authority to authorize the
 40 issuance of the bonds or the execution of a lease, if the
 41 political subdivision is not a township;

42 within thirty-five (35) business days after the expiration of the
 43 period in which statements must be filed under subdivision (5)
 44 requesting an election under section 3.6 of this chapter.

45 (9) The certificate required under subdivision (8) must state
 46 the number of statements requesting an election under section
 47 3.6 of this chapter that were filed by:

1 (A) individuals who are registered voters in the political
2 subdivision; and

3 (B) persons that own real property within the political
4 subdivision.

5 If a sufficient number of statements requesting an election under
6 section 3.6 of this chapter is not filed by owners of real property or
7 registered voters as set forth in this section, the political
8 subdivision may issue the bonds or enter into the lease by following
9 the provisions of law relating to the bonds to be issued or lease to
10 be entered into.

11 (c) Notwithstanding any other provision of this section, if the
12 envelopes containing statements filed under this section are
13 presented to the county voter registration office within thirty-five
14 (35) days before an election, the county voter registration office
15 may defer acting on the statements, and the time requirements
16 under this section for action by the county voter registration office
17 do not begin to run until five (5) days after the date of the election.

18 SECTION 136. IC 6-1.1-20-3.6 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2008]: Sec. 3.6. (a) This section applies only
21 to a controlled project for which the proper officers of a political
22 subdivision make a preliminary determination after June 30, 2008,
23 to issue bonds or enter into a lease.

24 (b) If a sufficient number of statements requesting an election
25 under this section has been filed as set forth in section 3.5 of this
26 chapter, a political subdivision may not impose property taxes to
27 pay debt service or lease rentals unless the following conditions are
28 met:

29 (1) The proper officers of the political subdivision shall give
30 notice of the election by:

31 (A) publication in accordance with IC 5-3-1; and

32 (B) first class mail to the organizations described in section
33 3.5(b)(1)(B) of this chapter.

34 A notice under this subdivision must include a statement that
35 any owners of real property within the political subdivision or
36 registered voters residing within the political subdivision who
37 want to vote in favor of or against the proposed debt service
38 or lease payments must cast a ballot in compliance with
39 subdivision (2) not earlier than thirty (30) days or later than
40 sixty (60) days after publication in accordance with IC 5-3-1.

41 (2) An owner of real property within the political subdivision
42 or a registered voter residing in the political subdivision may
43 cast a ballot in the county voter registration office in an
44 election held under this section within the period described in
45 subdivision (1). The ballot must contain the following
46 question:

47 "Shall _____ (insert the name of the political

subdivision) issue bonds or enter into a lease to finance _____ (insert the description of the controlled project)?

☐ YES

☐ NO".

An individual casting a ballot under this subdivision shall place the completed ballot into an envelope provided by the county voter registration office and seal the envelope. The information necessary to determine whether the individual is an owner of real property within the political subdivision or a registered voter residing in the political subdivision must be placed on the outside of the sealed envelope. The sealed envelope containing the individual's ballot must be placed in an outer envelope displaying the name of the individual casting the ballot. The individual shall indicate on the outside of the outer envelope whether the individual cast the ballot as an owner of real property or as a registered voter. The sealed envelope containing the ballot completed by the individual may not be opened until a final determination is made under subdivision (4). The county voter registration office and the county auditor shall preserve the secrecy of any ballot cast under this subdivision. A person is entitled to cast a ballot under this section only one (1) time in a particular election, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of real property within the political subdivision.

(3) The county voter registration office shall determine whether each person who cast a ballot under subdivision (2) is a registered voter. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. The county voter registration office shall, not more than fifteen (15) business days after the last day of the election under this section, forward the envelopes to the county auditor. Not more than ten (10) business days after receiving the envelopes, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who cast a ballot as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of real property in the political subdivision; and

(B) whether a person who cast a ballot as an owner of real

- 1 property within the political subdivision does in fact own
2 real property within the political subdivision.
- 3 **(4) The county voter registration office shall count all**
4 **properly cast ballots and make the final determination of:**
- 5 **(A) the total number of individuals casting ballots under**
6 **subdivision (2) in favor of the proposed debt service or**
7 **lease payments; and**
- 8 **(B) the total number of individuals casting ballots under**
9 **subdivision (2) opposing the proposed debt service or lease**
10 **payments.**
- 11 **(5) The county voter registration office shall certify the final**
12 **determination made under subdivision (4) to the body of the**
13 **political subdivision charged with issuing bonds or entering**
14 **into leases not later than thirty-five (35) business days after**
15 **the last day of the election under this section for an election in**
16 **which not more than ten thousand (10,000) ballots are cast.**
17 **The county voter registration office may take an additional**
18 **five (5) days to certify the determination for each additional**
19 **five thousand (5,000) ballots cast in an election, up to a**
20 **maximum of sixty (60) days.**
- 21 **(6) If a greater number of persons who are either owners of**
22 **real property within the political subdivision or registered**
23 **voters residing within the political subdivision cast a ballot**
24 **under subdivision (2) opposing the proposed debt service or**
25 **lease payments than the number that cast a ballot under**
26 **subdivision (2) in favor of the proposed debt service or lease**
27 **payments, the proposed bonds may not be issued or the**
28 **proposed lease may not be entered into.**
- 29 **(c) The proper officers of a political subdivision may not make**
30 **a preliminary determination to issue bonds or enter into a lease for**
31 **a controlled project defeated in an election held under this section**
32 **or any other controlled project that is not substantially different**
33 **within one (1) year after the date of the county voter registration**
34 **office's certification under subsection (b)(5).**
- 35 **(d) Notwithstanding any other provision of this section, if**
36 **envelopes containing ballots cast under subsection (b)(2) are**
37 **presented to the county voter registration office not later than**
38 **thirty-five (35) days before an election, the county voter**
39 **registration office may defer acting on the envelopes, and the time**
40 **requirements under this section for action by the county voter**
41 **registration office do not begin to run until five (5) days after the**
42 **date of the election.**
- 43 **(e) After a political subdivision has conducted an election under**
44 **this section, the political subdivision is not required to follow any**
45 **other remonstrance or objection procedures under any other law**
46 **(including section 5 of this chapter) relating to bonds or leases and**
47 **intended to protect owners of real property within the political**

subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the department of local government finance if required by:

(1) IC 6-1.1-18.5-8; or

(2) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

SECTION 137. IC 6-1.1-20-9, AS AMENDED BY P.L.224-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) When the proper officers of a political subdivision decide to issue bonds payable from property taxes to finance a public improvement, they shall adopt an ordinance or resolution which sets forth their determination to issue the bonds. Except as provided in subsection (b), the political subdivision may not advertise for or receive bids for the construction of the improvement until: ~~the expiration of the latter of:~~

(1) in the case of a proposed issue that is subject to section 3.1 of this chapter, the expiration of either:

~~(1)~~ **(A)** the time period within which taxpayers may file a petition for review of or a remonstrance against the proposed issue; or

~~(2)~~ **(B)** the time period during which a petition for review of the proposed issue is pending before the department of local government finance (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008); or

(2) in the case of a proposed issue that is subject to section 3.5 of this chapter, the proposed issue is approved in an election on a public question held under section 3.6 of this chapter.

(b) This subsection applies before January 1, 2009. When a petition for review of a proposed issue is pending before the department of local government finance, the department may order the political subdivision to advertise for and receive bids for the construction of the public improvement. When the department of local government finance issues such an order, the political subdivision shall file a bid report with the department within five (5) days after the bids are received, and the department shall render a final decision on the proposed issue within fifteen (15) days after it receives the bid report. Notwithstanding the provisions of this subsection, a political subdivision may not enter into a contract for the construction of a public improvement while a petition for review of the bond issue which is to finance the improvement is pending before the department of local government finance.

(c) This subsection applies after December 31, 2008. When a petition for review of a proposed issue is pending before the county board of tax and capital projects review, the board may order the political subdivision to advertise for and receive bids for the construction of the public improvement. When the county board of tax

1 and capital projects review issues such an order, the political
 2 subdivision shall file a bid report with the board within five (5) days
 3 after the bids are received, and the board shall render a final decision
 4 on the proposed issue within fifteen (15) days after it receives the bid
 5 report. Notwithstanding the provisions of this subsection, a political
 6 subdivision may not enter into a contract for the construction of a
 7 public improvement while a petition for review of the bond issue that
 8 is to finance the improvement is pending before the county board of tax
 9 and capital projects review.

10 SECTION 138. IC 6-1.1-20-10, AS AMENDED BY P.L.162-2006,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2008]: Sec. 10. (a) This section applies **only** to a political
 13 subdivision that adopts an ordinance or a resolution making a
 14 preliminary determination **before July 1, 2008**, to issue bonds or enter
 15 into a lease. During the period commencing with the adoption of the
 16 ordinance or resolution and, if a petition and remonstrance process is
 17 commenced under section 3.2 of this chapter, continuing through the
 18 sixty (60) day period commencing with the notice under ~~section 3.2(1)~~
 19 **section 3.2(b)(1)** of this chapter, the political subdivision seeking to
 20 issue bonds or enter into a lease for the proposed controlled project
 21 may not promote a position on the petition or remonstrance by doing
 22 any of the following:

23 (1) Allowing facilities or equipment, including mail and
 24 messaging systems, owned by the political subdivision to be used
 25 for public relations purposes to promote a position on the petition
 26 or remonstrance, unless equal access to the facilities or equipment
 27 is given to persons with a position opposite to that of the political
 28 subdivision.

29 (2) Making an expenditure of money from a fund controlled by
 30 the political subdivision to promote a position on the petition or
 31 remonstrance or to pay for the gathering of signatures on a
 32 petition or remonstrance. This subdivision does not prohibit a
 33 political subdivision from making an expenditure of money to an
 34 attorney, an architect, a construction manager, or a financial
 35 adviser for professional services provided with respect to a
 36 controlled project.

37 (3) Using an employee to promote a position on the petition or
 38 remonstrance during the employee's normal working hours or paid
 39 overtime, or otherwise compelling an employee to promote a
 40 position on the petition or remonstrance at any time.

41 (4) In the case of a school corporation, promoting a position on a
 42 petition or remonstrance by:

43 (A) using students to transport written materials to their
 44 residences or in any way directly involving students in a
 45 school organized promotion of a position; or

46 (B) including a statement within another communication sent

1 to the students' residences.

2 However, this section does not prohibit an employee of the political
3 subdivision from carrying out duties with respect to a petition or
4 remonstrance that are part of the normal and regular conduct of the
5 employee's office or agency.

6 (b) A person may not solicit or collect signatures for a petition or
7 remonstrance on property owned or controlled by the political
8 subdivision.

9 (c) The staff and employees of a school corporation may not
10 personally identify a student as the child of a parent or guardian who
11 supports or opposes a petition or remonstrance.

12 (d) A person or an organization that has a contract or arrangement
13 (whether formal or informal) with a school corporation for the use of
14 any of the school corporation's facilities may not spend any money to
15 promote a position on the petition or remonstrance. A person or an
16 organization that violates this subsection commits a Class A infraction.

17 (e) An attorney, an architect, a construction manager, or a financial
18 adviser for professional services provided with respect to a controlled
19 project may not spend any money to promote a position on the petition
20 or remonstrance. A person who violates this subsection:

- 21 (1) commits a Class A infraction; and
- 22 (2) is barred from performing any services with respect to the
23 controlled project.

24 SECTION 139. IC 6-1.1-20-10.1 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2008]: **Sec. 10.1. (a) This section applies only
27 to a political subdivision that, after June 30, 2008, adopts an
28 ordinance or a resolution making a preliminary determination to
29 issue bonds or enter into a lease.**

30 **(b) During the period beginning with the adoption of the
31 ordinance or resolution and continuing through the day on which
32 a local public question is submitted to the voters of the political
33 subdivision under section 3.6 of this chapter, a political subdivision
34 seeking to issue bonds or enter into a lease for a proposed
35 controlled project may not promote a position on the local public
36 question by doing any of the following:**

- 37 **(1) Allowing facilities or equipment, including mail and
38 messaging systems, owned by the political subdivision to be
39 used for public relations purposes to promote a position on
40 the local public question, unless equal access to the facilities
41 or equipment is given to persons with a position opposite to
42 that of the political subdivision.**
- 43 **(2) Making an expenditure of money from a fund controlled
44 by the political subdivision to promote a position on the local
45 public question. This subdivision does not prohibit a political
46 subdivision from making an expenditure of money to an**

1 attorney, an architect, a construction manager, or a financial
 2 adviser for professional services provided with respect to a
 3 controlled project.

4 (3) Using an employee to promote a position on the local
 5 public question during the employee's normal working hours
 6 or while the employee is paid overtime, or otherwise
 7 compelling an employee to promote a position on the local
 8 public question at any time.

9 (4) In the case of a school corporation, promoting a position
 10 on a local public question by:

11 (A) using students to transport written materials to their
 12 residences or in any way directly involving students in a
 13 school organized promotion of a position; or

14 (B) including a statement within another communication
 15 sent to the students' residences.

16 However, this section does not prohibit an employee of the political
 17 subdivision from carrying out duties with respect to a local public
 18 question that are part of the normal and regular conduct of the
 19 employee's office or agency.

20 (c) The staff and employees of a school corporation may not
 21 personally identify a student as the child of a parent or guardian
 22 who supports or opposes a controlled project subject to a local
 23 public question held under section 3.6 of this chapter.

24 (d) A person or an organization that has a contract or
 25 arrangement (whether formal or informal) with a school
 26 corporation for the use of any of the school corporation's facilities
 27 may not spend any money to promote a position on a local public
 28 question. A person or an organization that violates this subsection
 29 commits a Class A infraction.

30 (e) An attorney, an architect, a construction manager, or a
 31 financial adviser for professional services provided with respect to
 32 a controlled project may not spend any money to promote a
 33 position on a local public question regarding the controlled project.
 34 A person who violates this subsection:

35 (1) commits a Class A infraction; and

36 (2) is barred from performing any services with respect to the
 37 controlled project.

38 SECTION 140. IC 6-1.1-20-12 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2008]: **Sec. 12. (a)** This section applies only
 41 to a controlled project for which the proper officers of a political
 42 subdivision make a preliminary determination after June 30, 2008,
 43 to issue bonds or enter into a lease.

44 (b) Notwithstanding any other provision of this chapter, the
 45 executive of a political subdivision may initiate a public question
 46 under section 3.6 of this chapter for the approval or disapproval of
 47 a proposed controlled project of the political subdivision that has

1 been disapproved under IC 6-1.1-29.5 by the county board of tax
2 and capital projects review.

3 (c) The executive of a political subdivision may initiate a public
4 question under this section by giving notice of the applicability of
5 the public question as provided in section 3.5(b)(2) of this chapter
6 not more than sixty (60) days after the county board of tax and
7 capital projects review disapproves the proposed controlled
8 project.

9 (d) Section 3.6 of this chapter applies to a public question held
10 under this section.

11 (e) If a majority of the taxpayers and voters voting on the public
12 question vote in favor of the public question, the political
13 subdivision may undertake the proposed controlled project,
14 notwithstanding the disapproval of the proposed controlled project
15 by the county board of tax and capital projects review under
16 IC 6-1.1-29.5."

17 Page 134, between lines 41 and 42, begin a new paragraph and
18 insert:

19 "SECTION 141. IC 6-1.1-29.5-14, AS ADDED BY P.L.224-2007,
20 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2008]: Sec. 14. (a) **This subsection applies only to a
22 controlled project for which the proper officers of a political
23 subdivision make a preliminary determination before July 1, 2008,
24 to issue bonds or enter into a lease.** If the review board disapproves
25 a capital project under section 13 of this chapter, the political
26 subdivision that proposed the project may take any action under section
27 10(a)(2) of this chapter with regard to the capital project if:

- 28 (1) not more than sixty (60) days after the review board's
29 disapproval, the political subdivision initiates the petition and
30 remonstrance process under IC 6-1.1-20-3.4; and
- 31 (2) the capital project is approved in the petition and
32 remonstrance process under IC 6-1.1-20.

33 (b) **This subsection applies only to a controlled project for which
34 the proper officers of a political subdivision make a preliminary
35 determination after June 30, 2008, to issue bonds or enter into a
36 lease. If the review board disapproves a capital project under
37 section 13 of this chapter, the political subdivision that proposed
38 the project may take any action described in section 10(a)(2) of this
39 chapter with regard to the capital project if:**

- 40 (1) not more than sixty (60) days after the review board's
41 disapproval, the political subdivision initiates a public
42 question under IC 6-1.1-20-12; and
- 43 (2) the capital project is approved in a public question held in
44 the manner provided by IC 6-1.1-20-3.6 and IC 6-1.1-20-12."

45 Page 208, line 27, delete "the lesser of:" and insert "two million
46 dollars (\$2,000,000)."

47 Page 208, delete lines 28 through 30.

Page 215, after line 42, begin a new paragraph and insert:

"SECTION 204. IC 8-14-9-12, AS AMENDED BY P.L.219-2007, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. All bonds and interest on bonds issued under this chapter are exempt from taxation as provided under IC 6-8-5-1. All general laws relating to:

(1) the filing of a petition requesting the issuance of bonds;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) taxpayers and voters to vote on the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);**

(3) the appropriation of the proceeds of the bonds and the approval of the appropriation by the department of local government finance; and

(4) the sale of bonds at public sale for not less than par value;

are applicable to proceedings under this chapter.

SECTION 205. IC 8-22-3-16, AS AMENDED BY P.L.219-2007, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) The board may issue general obligation bonds of the authority for the purpose of procuring funds to pay the cost of acquiring real property, or constructing, enlarging, improving, remodeling, repairing, or equipping buildings, structures, runways, or other facilities, for use as or in connection with or for administrative purposes of the airport. The issuance of the bonds must be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds and for the time and character of notice and the mode of making sale. If one (1) airport is owned by the authority, an ordinance authorizing the issuance of bonds for a separate second airport is subject to approval as provided in this section. The bonds bear interest and are payable at the times and places that the board determines but running not more than twenty-five (25) years after the date of their issuance, and they must be executed in the name of the authority by the president of the board and attested by the secretary who shall affix to each of the bonds the official seal of the authority. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the president of the board.

(b) The issuance of general obligation bonds must be approved by resolution of the following body:

(1) When the authority is established by an eligible entity, by its fiscal body.

(2) When the authority is established by two (2) or more eligible entities acting jointly, by the fiscal body of each of those entities.

(3) When the authority was established under IC 19-6-2 (**before**

1 **its repeal**), by the mayor of the consolidated city, and if a second
 2 airport is to be funded, also by the city-county council.

3 (4) When the authority was established under IC 19-6-3 **(before**
 4 **its repeal)**, by the county council.

5 (c) The airport director shall manage and supervise the preparation,
 6 advertisement, and sale of the bonds, subject to the authorizing
 7 ordinance. Before the sale of the bonds, the airport director shall cause
 8 notice of the sale to be published once each week for two (2)
 9 consecutive weeks in two (2) newspapers of general circulation
 10 published in the district, setting out the time and place where bids will
 11 be received, the amount and maturity dates of the issue, the maximum
 12 interest rate, and the terms and conditions of sale and delivery of the
 13 bonds. The bonds shall be sold to the highest bidder, in accordance
 14 with the procedures for selling public bonds. After the bonds have been
 15 properly sold and executed, the airport director shall deliver them to the
 16 treasurer of the authority and take a receipt for them, and shall certify
 17 to the treasurer the amount which the purchaser is to pay for them,
 18 together with the name and address of the purchaser. On payment of
 19 the purchase price, the treasurer shall deliver the bonds to the
 20 purchaser, and the treasurer and airport director or superintendent shall
 21 report their actions to the board.

22 (d) The provisions of IC 6-1.1-20 and IC 5-1 relating to:

23 (1) the filing of a petition requesting the issuance of bonds and
 24 giving notice of them;

25 (2) the giving of notice of determination to issue bonds;

26 (3) the giving of notice of hearing on the appropriation of the
 27 proceeds of bonds and the right of taxpayers to appeal and be
 28 heard on the proposed appropriation;

29 (4) the approval of the appropriation by the department of local
 30 government finance;

31 (5) the right of:

32 (A) taxpayers and voters to remonstrate against the issuance of
 33 bonds **in the case of a proposed bond issue described by**
 34 **IC 6-1.1-20-3.1(a); or**

35 **(B) taxpayers and voters to vote on the issuance of bonds**
 36 **in the case of a proposed bond issue described by**
 37 **IC 6-1.1-20-3.5(a); and**

38 (6) the sale of bonds at public sale for not less than par value;
 39 are applicable to proceedings under this chapter for the issuance of
 40 general obligation bonds.

41 (e) Bonds issued under this chapter are not a corporate obligation or
 42 indebtedness of any eligible entity but are an indebtedness of the
 43 authority as a municipal corporation. An action to question the validity
 44 of the bonds issued or to prevent their issue must be instituted not later
 45 than the date set for sale of the bonds, and all of the bonds after that
 46 date are incontestable.

1 SECTION 206. IC 12-29-1-5, AS AMENDED BY P.L.219-2007,
 2 SECTION 96, AND AS AMENDED BY P.L.224-2007, SECTION
 3 101, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2008]: Sec. 5. All general Indiana statutes
 5 relating to the following apply to the issuance of county bonds under
 6 this chapter:

- 7 (1) The filing of a petition requesting the issuance of bonds.
- 8 (2) The giving of notice of the following:
 - 9 (A) The filing of the petition requesting the issuance of the
 - 10 bonds.
 - 11 (B) The determination to issue bonds.
 - 12 (C) A hearing on the appropriation of the proceeds of the
 - 13 bonds.
- 14 (3) The right of taxpayers to appear and be heard on the proposed
- 15 appropriation.
- 16 (4) The approval of the appropriation by the department of local
- 17 government finance (*before January 1, 2009*) or the county board
- 18 of tax and capital projects review (*after December 31, 2008*).
- 19 (5) The right of:
 - 20 (A) taxpayers *and voters* to remonstrate against the issuance
 - 21 of bonds **in the case of a proposed bond issue described by**
 - 22 **IC 6-1.1-20-3.1(a); or**
 - 23 **(B) taxpayers and voters to vote on the issuance of bonds**
 - 24 **in the case of a proposed bond issue described by**
 - 25 **IC 6-1.1-20-3.5(a)."**

26 Page 216, between lines 16 and 17, begin a new paragraph and
 27 insert:

28 "SECTION 208. IC 12-29-2-18, AS AMENDED BY P.L.219-2007,
 29 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2008]: Sec. 18. All general Indiana statutes relating to the
 31 following apply to the issuance of county bonds under this chapter:

- 32 (1) The filing of a petition requesting the issuance of bonds.
- 33 (2) The giving of notice of the following:
 - 34 (A) The filing of the petition requesting the issuance of the
 - 35 bonds.
 - 36 (B) The determination to issue bonds.
 - 37 (C) A hearing on the appropriation of the proceeds of the
 - 38 bonds.
- 39 (3) The right of taxpayers to appear and be heard on the proposed
- 40 appropriation.
- 41 (4) The approval of the appropriation by the department of local
- 42 government finance.
- 43 (5) The right of:
 - 44 (A) taxpayers and voters to remonstrate against the issuance of
 - 45 bonds **in the case of a proposed bond issue described by**
 - 46 **IC 6-1.1-20-3.1(a); or**

1 **(B) taxpayers and voters to vote on the issuance of bonds**
 2 **in the case of a proposed bond issue described by**
 3 **IC 6-1.1-20-3.5(a).**

4 SECTION 209. IC 14-27-6-40, AS AMENDED BY P.L.219-2007,
 5 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2008]: Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20
 7 relating to the following apply to proceedings under this chapter:

8 (1) The filing of a petition requesting the issuance of bonds and
 9 giving notice of the petition.

10 (2) The giving of notice of determination to issue bonds.

11 (3) The giving of notice of hearing on the appropriation of the
 12 proceeds of bonds and the right of taxpayers to appeal and be
 13 heard on the proposed appropriation.

14 (4) The approval of the appropriation by the department of local
 15 government finance.

16 (5) The right of:

17 **(A) taxpayers and voters to remonstrate against the issuance of**
 18 **bonds in the case of a proposed bond issue described by**
 19 **IC 6-1.1-20-3.1(a); or**

20 **(B) taxpayers and voters to vote on the issuance of bonds**
 21 **in the case of a proposed bond issue described by**
 22 **IC 6-1.1-20-3.5(a).**

23 (6) The sale of bonds at public sale for not less than the par value.

24 SECTION 210. IC 14-33-11-8 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Before offering
 26 bonds for sale, the board shall give notice in the same manner as is
 27 provided required by IC 6-1.1-20 for the sale of bonds by municipal
 28 corporations.

29 (b) Persons affected are entitled to:

30 (1) remonstrate against issuance of the bonds **(in the case of a**
 31 **preliminary determination made before July 1, 2008, to issue**
 32 **bonds); or**

33 (2) **vote on the proposed issuance of bonds in an election on a**
 34 **local public question (in the case of a preliminary**
 35 **determination made after June 30, 2008, to issue bonds).**

36 (c) An action to question the validity of the bonds may not be
 37 instituted after the date fixed for sale, and the bonds are incontestable
 38 after that time.

39 SECTION 211. IC 14-33-11-9 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. If the board is denied
 41 the right to issue bonds as a result of remonstrance proceedings **or an**
 42 **election on a local public question held under IC 6-1.1-20-3.6:**

43 (1) all contracts let by the board for work to be paid from the sale
 44 of bonds are void; and

45 (2) no liability accrues to the district or to the board.".

46 Page 216, between lines 31 and 32, begin a new paragraph and

1 insert:

2 "SECTION 213. IC 16-22-6-20 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) If the execution
4 of the original or a modified lease is authorized, notice of the signing
5 shall be published on behalf of the county one (1) time in a newspaper
6 of general circulation and published in the county. Except as provided
7 in subsection (b), at least ten (10) taxpayers in the county whose tax
8 rate will be affected by the proposed lease may file a petition with the
9 county auditor not more than thirty (30) days after publication of notice
10 of the execution of the lease. The petition must set forth the objections
11 to the lease and facts showing that the execution of the lease is
12 unnecessary or unwise or that the lease rental is not fair and reasonable.

13 (b) The authority for taxpayers to object to a proposed lease
14 described in subsection (a) does not apply if the authority complies
15 with the procedures for the issuance of bonds and other evidences of
16 indebtedness described in ~~IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2.~~
17 **IC 6-1.1-20.**

18 SECTION 214. IC 16-22-8-43, AS AMENDED BY P.L.194-2007,
19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2008]: Sec. 43. (a) The corporation may issue general
21 obligation bonds to procure funds to pay the cost of acquiring real
22 property or constructing, enlarging, improving, remodeling, repairing,
23 or equipping buildings for use as a hospital, a health care facility, or an
24 administrative facility. The issuance of the bonds shall be authorized
25 by a board resolution providing for the amount, terms, and tenor of the
26 bonds, for the time and character of notice, and the mode of making the
27 sale. The bonds shall be payable not more than forty (40) years after the
28 date of issuance. The bonds shall be executed in the name of the
29 corporation by the executive director.

30 (b) The executive director shall manage and supervise the
31 preparation, advertisement, and sale of bonds, subject to the provisions
32 of the authorizing resolution. Before the sale of the bonds, the
33 executive director shall publish notice of the sale in accordance with
34 IC 5-3-1, setting out the time and place where bids will be received, the
35 amount and maturity dates of the issue, the maximum interest rate, and
36 the terms and conditions of sale and delivery of the bonds. The bonds
37 shall be sold to the highest and best bidder. After the bonds have been
38 sold and executed, the executive director shall deliver the bonds to the
39 treasurer of the corporation and take the treasurer's receipt, and shall
40 certify to the treasurer the amount that the purchaser is to pay, together
41 with the name and address of the purchaser. On payment of the
42 purchase price, the treasurer shall deliver the bonds to the purchaser,
43 and the treasurer and executive director shall report the actions to the
44 board.

45 (c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

46 (1) Notice and filing of the petition requesting the issuance of the

- 1 bonds.
- 2 (2) Notice of determination to issue bonds.
- 3 (3) Notice of hearing on the appropriation of the proceeds of the
- 4 bonds and the right of taxpayers to appeal and be heard.
- 5 (4) Approval by the department of local government finance.
- 6 (5) The right to:
 - 7 (A) remonstrate **in the case of a proposed bond issue**
 - 8 **described by IC 6-1.1-20-3.1(a); or**
 - 9 **(B) vote on the issuance of bonds in the case of a proposed**
 - 10 **bond issue described by IC 6-1.1-20-3.5(a).**
- 11 (6) Sale of bonds at public sale for not less than the par value.
- 12 (d) The bonds are the direct general obligations of the corporation
- 13 and are payable out of unlimited ad valorem taxes levied and collected
- 14 on all the taxable property within the county of the corporation. All
- 15 officials and bodies having to do with the levying of taxes for the
- 16 corporation shall see that sufficient levies are made to meet the
- 17 principal and interest on the bonds at the time fixed for payment.
- 18 (e) The bonds are exempt from taxation for all purposes but the
- 19 interest is subject to the adjusted gross income tax."
- 20 Page 217, between lines 31 and 32, begin a new paragraph and
- 21 insert:

22 "SECTION 218. IC 20-46-7-8, AS AMENDED BY P.L.224-2007,

23 SECTION 116, IS AMENDED TO READ AS FOLLOWS

24 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) A school corporation must

25 file a petition requesting approval from the department of local

26 government finance to:

 - 27 (1) incur bond indebtedness;
 - 28 (2) enter into a lease rental agreement; or
 - 29 (3) repay from the debt service fund loans made for the purchase
 - 30 of school buses under IC 20-27-4-5;

31 not later than twenty-four (24) months after the first date of publication

32 of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~,

33 **IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is**

34 **applicable**, unless the school corporation demonstrates that a longer

35 period is reasonable in light of the school corporation's facts and

36 circumstances.

37 (b) A school corporation must obtain approval from the department

38 of local government finance before the school corporation may:

 - 39 (1) incur the indebtedness;
 - 40 (2) enter into the lease agreement; or
 - 41 (3) repay the school bus purchase loan.

42 (c) This restriction does not apply to property taxes that a school

43 corporation levies to pay or fund bond or lease rental indebtedness

44 created or incurred before July 1, 1974. In addition, this restriction does

45 not apply to a lease agreement or a purchase agreement entered into

46 between a school corporation and the Indiana bond bank for the lease

or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1 **(before its repeal) or IC 20-46-5.**

(d) This section does not apply to:

(1) school bus purchase loans made by a school corporation that will be repaid solely from the general fund of the school corporation; or

(2) bonded indebtedness incurred or lease rental agreements entered into for capital projects approved by a county board of tax and capital projects review under IC 6-1.1-29.5 after December 31, 2008.

SECTION 219. IC 20-47-4-6, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A lessor corporation may acquire and finance an existing school building, other than as provided in section 5 of this chapter, and lease the existing school building to a school corporation. A school corporation shall comply with:

(1) IC 20-47-2 or IC 20-47-3; and

(2) **either:**

(A) the petition and remonstrance provisions under IC 6-1.1-20 **(in the case of a preliminary determination made before July 1, 2008, to enter into a lease); or**

(B) the local public question provisions under IC 6-1.1-20 **(in the case of a preliminary determination made after June 30, 2008, to enter into a lease).**

(b) A lease made under this section may provide for the payment of lease rentals by the school corporation for the use of the existing school building.

(c) Lease rental payments made under the lease do not constitute a debt of the school corporation for purposes of the Constitution of the State of Indiana.

(d) A new school building may be substituted for the existing school building under the lease if the substitution was included in the notices given under IC 20-47-2, IC 20-47-3, and IC 6-1.1-20. A new school building must be substituted for the existing school building upon completion of the new school building.

SECTION 220. IC 20-48-1-2, AS AMENDED BY P.L.1-2007, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) As used in this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

(1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or
 (2) issued bonds under IC 20-5-4-1.7:

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006. A school corporation described in subsection (b)(2)(B) must file a petition with the department of local government finance under IC 6-1.1-19-8 (**repealed**) requesting approval to incur bond indebtedness under this section before July 1, 2006.

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 (**before its repeal**) as described in subsection (b)(2).

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to:

(1) the petition and remonstrance process under IC 6-1.1-20;

(2) a public question under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6; or to

(3) the limitations contained in IC 36-1-15.

SECTION 221. IC 20-48-1-8, AS AMENDED BY P.L.219-2007, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The provisions of all general statutes and rules relating to:

(1) filing petitions requesting the issuance of bonds and giving notice of the issuance of bonds;

(2) giving notice of determination to issue bonds;

(3) giving notice of a hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appear and be heard on the proposed appropriation;

(4) the approval of the appropriation by the department of local government finance; and

(5) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) taxpayers and voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

apply to proceedings for the issuance of bonds and the making of an emergency loan under this article and IC 20-26-1 through IC 20-26-5. An action to contest the validity of the bonds or emergency loans may not be brought later than five (5) days after the acceptance of a bid for the sale of the bonds."

Page 233, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 236. IC 36-3-5-8, AS AMENDED BY P.L.219-2007, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This section applies whenever a special taxing district of the consolidated city has the power to issue bonds, notes, or warrants.

(b) Before any bonds, notes, or warrants of a special taxing district may be issued, the issue must be approved by resolution of the legislative body of the consolidated city.

(c) Any bonds of a special taxing district must be issued in the manner prescribed by statute for that district, and the board of the department having jurisdiction over the district shall:

(1) hold all required hearings;

(2) adopt all necessary resolutions; and

(3) appropriate the proceeds of the bonds; in that manner. However, the legislative body shall levy each year the special tax required to pay the principal of and interest on the bonds and any bank paying charges.

(d) Notwithstanding any other statute, bonds of a special taxing district may:

(1) be dated;

(2) be issued in any denomination;

(3) mature at any time or times not exceeding fifty (50) years after their date; and

(4) be payable at any bank or banks;

as determined by the board. The interest rate or rates that the bonds will bear must be determined by bidding, notwithstanding IC 5-1-11-3.

(e) Bonds of a special taxing district are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following**:

(1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.

(2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.

(3) The right of taxpayers to appear and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds ~~and in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or~~

(B) taxpayers and voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

(6) The sale of bonds at public sale."

Page 235, between lines 6 and 7, begin a new paragraph and insert: "SECTION 239. IC 36-5-2-11, AS AMENDED BY P.L.219-2007, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) The legislative body may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(b) Bonds issued under this section are payable in the amounts and at the times determined by the legislative body.

(c) Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following**:

(1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.

(2) The giving of notice of a hearing on the appropriation of the

proceeds of bonds.

(3) The right of taxpayers to appear and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds ~~and in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or~~

(B) taxpayers and voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

(6) The sale of bonds at public sale for not less than their par value.

(d) The legislative body may, by ordinance, make loans of money for not more than five (5) years and issue notes for the purpose of refunding those loans. The loans may be made only for the purpose of procuring money to be used in the exercise of the powers of the town, and the total amount of outstanding loans under this subsection may not exceed five percent (5%) of the town's total tax levy in the current year (excluding amounts levied to pay debt service and lease rentals). Loans under this subsection shall be made as follows:

(1) The ordinance authorizing the loans must pledge to their payment a sufficient amount of tax revenues over the ensuing five (5) years to provide for refunding the loans.

(2) The loans must be evidenced by notes of the town in terms designating the nature of the consideration, the time and place payable, and the revenues out of which they will be payable.

(3) The interest accruing on the notes to the date of maturity may be added to and included in their face value or be made payable periodically, as provided in the ordinance.

Notes issued under this subsection are not bonded indebtedness for purposes of IC 6-1.1-18.5."

Page 240, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 245. IC 36-7-14-25.1, AS AMENDED BY P.L.219-2007, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by resolution and subject to subsection (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission,

of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and
- (4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable, subject to the requirements of the bond resolution for registering the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the redevelopment commission.

(d) The redevelopment commission shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds, subject to subsection (p). The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds must be executed by the appropriate officer of the unit, and attested by the municipal or county fiscal officer.

(f) The bonds are exempt from taxation for all purposes.

(g) The municipal or county fiscal officer shall give notice of the sale of the bonds by publication in accordance with IC 5-3-1. The municipal fiscal officer, or county fiscal officer or executive, shall sell the bonds to the highest bidder, but may not sell them for less than ninety-seven percent (97%) of their par value. However, bonds payable solely or in part from tax proceeds allocated under section 39(b)(2) of this chapter, or other revenues of the district may be sold at a private negotiated sale.

(h) Except as provided in subsection (i), a redevelopment commission may not issue the bonds when the total issue, including bonds already issued and to be issued, exceeds two percent (2%) of the

adjusted value of the taxable property in the special taxing district, as determined under IC 36-1-15.

(i) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the redevelopment commission:

(1) from a special tax levied upon all of the property in the taxing district, as provided by section 27 of this chapter;

(2) from the tax proceeds allocated under section 39(b)(2) of this chapter;

(3) from other revenues available to the redevelopment commission; or

(4) from a combination of the methods stated in subdivisions (1) through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(j) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) **taxpayers and voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);**

apply to bonds issued under this chapter, except for bonds payable solely from tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established

1 have matured shall be deposited in the allocation fund established
2 under section 39(b)(2) of this chapter.

3 (o) If bonds are issued under this chapter that are payable solely or
4 in part from revenues to the redevelopment commission from a project
5 or projects, the redevelopment commission may adopt a resolution or
6 trust indenture or enter into covenants as is customary in the issuance
7 of revenue bonds. The resolution or trust indenture may pledge or
8 assign the revenues from the project or projects, but may not convey or
9 mortgage any project or parts of a project. The resolution or trust
10 indenture may also contain any provisions for protecting and enforcing
11 the rights and remedies of the bond owners as may be reasonable and
12 proper and not in violation of law, including covenants setting forth the
13 duties of the redevelopment commission. The redevelopment
14 commission may establish fees and charges for the use of any project
15 and covenant with the owners of any bonds to set those fees and
16 charges at a rate sufficient to protect the interest of the owners of the
17 bonds. Any revenue bonds issued by the redevelopment commission
18 that are payable solely from revenues of the commission shall contain
19 a statement to that effect in the form of bond.

20 (p) If the total principal amount of bonds authorized by a resolution
21 of the redevelopment commission is equal to or greater than three
22 million dollars (\$3,000,000), the bonds may not be issued without the
23 approval, by resolution, of the legislative body of the unit.

24 SECTION 246. IC 36-7-14.5-12.5, AS AMENDED BY
25 P.L.219-2007, SECTION 127, IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12.5. (a) This section
27 applies only to an authority in a county having a United States
28 government military base that is scheduled for closing or is completely
29 or partially inactive or closed.

30 (b) In order to accomplish the purposes set forth in section 11 of this
31 chapter, an authority may create an economic development area:

32 (1) by following the procedures set forth in IC 36-7-14-41 for the
33 establishment of an economic development area by a
34 redevelopment commission; and

35 (2) with the same effect as if the economic development area was
36 created by a redevelopment commission.

37 The area established under this section shall be established only in the
38 area where a United States government military base that is scheduled
39 for closing or is completely or partially inactive or closed is or was
40 located.

41 (c) In order to accomplish the purposes set forth in section 11 of this
42 chapter, an authority may do the following in a manner that serves an
43 economic development area created under this section:

44 (1) Acquire by purchase, exchange, gift, grant, condemnation, or
45 lease, or any combination of methods, any personal property or
46 interest in real property needed for the redevelopment of

- 1 economic development areas located within the corporate
- 2 boundaries of the unit.
- 3 (2) Hold, use, sell (by conveyance by deed, land sale contract, or
- 4 other instrument), exchange, lease, rent, or otherwise dispose of
- 5 property acquired for use in the redevelopment of economic
- 6 development areas on the terms and conditions that the authority
- 7 considers best for the unit and the unit's inhabitants.
- 8 (3) Sell, lease, or grant interests in all or part of the real property
- 9 acquired for redevelopment purposes to any other department of
- 10 the unit or to any other governmental agency for public ways,
- 11 levees, sewerage, parks, playgrounds, schools, and other public
- 12 purposes on any terms that may be agreed on.
- 13 (4) Clear real property acquired for redevelopment purposes.
- 14 (5) Repair and maintain structures acquired for redevelopment
- 15 purposes.
- 16 (6) Remodel, rebuild, enlarge, or make major structural
- 17 improvements on structures acquired for redevelopment purposes.
- 18 (7) Survey or examine any land to determine whether the land
- 19 should be included within an economic development area to be
- 20 acquired for redevelopment purposes and to determine the value
- 21 of that land.
- 22 (8) Appear before any other department or agency of the unit, or
- 23 before any other governmental agency in respect to any matter
- 24 affecting:
- 25 (A) real property acquired or being acquired for
- 26 redevelopment purposes; or
- 27 (B) any economic development area within the jurisdiction of
- 28 the authority.
- 29 (9) Institute or defend in the name of the unit any civil action, but
- 30 all actions against the authority must be brought in the circuit or
- 31 superior court of the county where the authority is located.
- 32 (10) Use any legal or equitable remedy that is necessary or
- 33 considered proper to protect and enforce the rights of and perform
- 34 the duties of the authority.
- 35 (11) Exercise the power of eminent domain in the name of and
- 36 within the corporate boundaries of the unit subject to the same
- 37 conditions and procedures that apply to the exercise of the power
- 38 of eminent domain by a redevelopment commission under
- 39 IC 36-7-14.
- 40 (12) Appoint an executive director, appraisers, real estate experts,
- 41 engineers, architects, surveyors, and attorneys.
- 42 (13) Appoint clerks, guards, laborers, and other employees the
- 43 authority considers advisable, except that those appointments
- 44 must be made in accordance with the merit system of the unit if
- 45 such a system exists.
- 46 (14) Prescribe the duties and regulate the compensation of

- 1 employees of the authority.
- 2 (15) Provide a pension and retirement system for employees of
- 3 the authority by using the public employees' retirement fund or a
- 4 retirement plan approved by the United States Department of
- 5 Housing and Urban Development.
- 6 (16) Discharge and appoint successors to employees of the
- 7 authority subject to subdivision (13).
- 8 (17) Rent offices for use of the department or authority, or accept
- 9 the use of offices furnished by the unit.
- 10 (18) Equip the offices of the authority with the necessary
- 11 furniture, furnishings, equipment, records, and supplies.
- 12 (19) Design, order, contract for, and construct, reconstruct,
- 13 improve, or renovate the following:
- 14 (A) Any local public improvement or structure that is
- 15 necessary for redevelopment purposes or economic
- 16 development within the corporate boundaries of the unit.
- 17 (B) Any structure that enhances development or economic
- 18 development.
- 19 (20) Contract for the construction, extension, or improvement of
- 20 pedestrian skyways (as defined in IC 36-7-14-12.2(c)).
- 21 (21) Accept loans, grants, and other forms of financial assistance
- 22 from, or contract with, the federal government, the state
- 23 government, a municipal corporation, a special taxing district, a
- 24 foundation, or any other source.
- 25 (22) Make and enter into all contracts and agreements necessary
- 26 or incidental to the performance of the duties of the authority and
- 27 the execution of the powers of the authority under this chapter.
- 28 (23) Take any action necessary to implement the purpose of the
- 29 authority.
- 30 (24) Provide financial assistance, in the manner that best serves
- 31 the purposes set forth in section 11 of this chapter, including
- 32 grants and loans, to enable private enterprise to develop,
- 33 redevelop, and reuse military base property or otherwise enable
- 34 private enterprise to provide social and economic benefits to the
- 35 citizens of the unit.
- 36 (d) An authority may designate all or a portion of an economic
- 37 development area created under this section as an allocation area by
- 38 following the procedures set forth in IC 36-7-14-39 for the
- 39 establishment of an allocation area by a redevelopment commission.
- 40 The allocation provision may modify the definition of "property taxes"
- 41 under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the
- 42 depreciable personal property located and taxable on the site of
- 43 operations of designated taxpayers in accordance with the procedures
- 44 applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3
- 45 applies to such a modification. An allocation area established by an
- 46 authority under this section is a special taxing district authorized by the

1 general assembly to enable the unit to provide special benefits to
 2 taxpayers in the allocation area by promoting economic development
 3 that is of public use and benefit. For allocation areas established for an
 4 economic development area created under this section after June 30,
 5 1997, and to the expanded portion of an allocation area for an
 6 economic development area that was established before June 30, 1997,
 7 and that is expanded under this section after June 30, 1997, the net
 8 assessed value of property that is assessed as residential property under
 9 the rules of the department of local government finance, as finally
 10 determined for any assessment date, must be allocated. All of the
 11 provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5
 12 apply to an allocation area created under this section, except that the
 13 authority shall be vested with the rights and duties of a commission as
 14 referenced in those sections, and except that, notwithstanding
 15 IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation
 16 fund may be used by the authority only to do one (1) or more of the
 17 following:

18 (1) Pay the principal of and interest and redemption premium on
 19 any obligations incurred by the special taxing district or any other
 20 entity for the purpose of financing or refinancing military base
 21 reuse activities in or serving or benefiting that allocation area.

22 (2) Establish, augment, or restore the debt service reserve for
 23 obligations payable solely or in part from allocated tax proceeds
 24 in that allocation area or from other revenues of the authority
 25 (including lease rental revenues).

26 (3) Make payments on leases payable solely or in part from
 27 allocated tax proceeds in that allocation area.

28 (4) Reimburse any other governmental body for expenditures
 29 made by it for local public improvements or structures in or
 30 serving or benefiting that allocation area.

31 (5) Pay all or a portion of a property tax replacement credit to
 32 taxpayers in an allocation area as determined by the authority.
 33 This credit equals the amount determined under the following
 34 STEPS for each taxpayer in a taxing district (as defined in
 35 IC 6-1.1-1-20) that contains all or part of the allocation area:

36 STEP ONE: Determine that part of the sum of the amounts
 37 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 38 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 39 IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

40 STEP TWO: Divide:

41 (A) that part of each county's eligible property tax
 42 replacement amount (as defined in IC 6-1.1-21-2) for that
 43 year as determined under IC 6-1.1-21-4 that is attributable
 44 to the taxing district; by

45 (B) the STEP ONE sum.

46 STEP THREE: Multiply:

- 1 (A) the STEP TWO quotient; by
- 2 (B) the total amount of the taxpayer's taxes (as defined in
- 3 IC 6-1.1-21-2) levied in the taxing district that have been
- 4 allocated during that year to an allocation fund under this
- 5 section.

6 If not all the taxpayers in an allocation area receive the credit in
 7 full, each taxpayer in the allocation area is entitled to receive the
 8 same proportion of the credit. A taxpayer may not receive a credit
 9 under this section and a credit under IC 36-7-14-39.5 in the same
 10 year.

11 (6) Pay expenses incurred by the authority for local public
 12 improvements or structures that are in the allocation area or
 13 serving or benefiting the allocation area.

14 (7) Reimburse public and private entities for expenses incurred in
 15 training employees of industrial facilities that are located:

- 16 (A) in the allocation area; and
- 17 (B) on a parcel of real property that has been classified as
- 18 industrial property under the rules of the department of local
- 19 government finance.

20 However, the total amount of money spent for this purpose in any
 21 year may not exceed the total amount of money in the allocation
 22 fund that is attributable to property taxes paid by the industrial
 23 facilities described in clause (B). The reimbursements under this
 24 subdivision must be made within three (3) years after the date on
 25 which the investments that are the basis for the increment
 26 financing are made. The allocation fund may not be used for
 27 operating expenses of the authority.

28 (e) In addition to other methods of raising money for property
 29 acquisition, redevelopment, or economic development activities in or
 30 directly serving or ~~benefitting~~ **benefiting** an economic development
 31 area created by an authority under this section, and in anticipation of
 32 the taxes allocated under subsection (d), other revenues of the
 33 authority, or any combination of these sources, the authority may, by
 34 resolution, issue the bonds of the special taxing district in the name of
 35 the unit. Bonds issued under this section may be issued in any amount
 36 without limitation. The following apply if such a resolution is adopted:

- 37 (1) The authority shall certify a copy of the resolution authorizing
- 38 the bonds to the municipal or county fiscal officer, who shall then
- 39 prepare the bonds. The seal of the unit must be impressed on the
- 40 bonds, or a facsimile of the seal must be printed on the bonds.
- 41 (2) The bonds must be executed by the appropriate officer of the
- 42 unit and attested by the unit's fiscal officer.
- 43 (3) The bonds are exempt from taxation for all purposes.
- 44 (4) Bonds issued under this section may be sold at public sale in
- 45 accordance with IC 5-1-11 or at a negotiated sale.
- 46 (5) The bonds are not a corporate obligation of the unit but are an

indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the authority:

- (A) from the tax proceeds allocated under subsection (d);
- (B) from other revenues available to the authority; or
- (C) from a combination of the methods stated in clauses (A) and (B).

(6) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(7) Laws relating to:

(A) the filing of petitions requesting the issuance of bonds; and

(B) the right of:

(i) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(ii) **taxpayers and voters to vote on the proposed issuance of bonds under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

do not apply to bonds issued under this section.

(8) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(9) If bonds are issued under this chapter that are payable solely or in part from revenues to the authority from a project or projects, the authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority. The authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the authority that are payable solely from revenues of the authority shall contain a statement to that effect in the form of bond.

(f) Notwithstanding section 8(a) of this chapter, an ordinance adopted under ~~section 11~~ of this chapter may provide, or be amended to provide, that the board of directors of the authority shall be composed of not fewer than three (3) nor more than eleven (11) members, who must be residents of the unit appointed by the executive of the unit.

(g) The acquisition of real and personal property by an authority under this section is not subject to the provisions of IC 5-22, IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the

1 purchase of property by public bodies or their agencies.

2 (h) An authority may negotiate for the sale, lease, or other
3 disposition of real and personal property without complying with the
4 provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other
5 statute governing the disposition of public property.

6 (i) Notwithstanding any other law, utility services provided within
7 an economic development area established under this section are
8 subject to regulation by the appropriate regulatory agencies unless the
9 utility service is provided by a utility that provides utility service solely
10 within the geographic boundaries of an existing or a closed military
11 installation, in which case the utility service is not subject to regulation
12 for purposes of rate making, regulation, service delivery, or issuance of
13 bonds or other forms of indebtedness. However, this exemption from
14 regulation does not apply to utility service if the service is generated,
15 treated, or produced outside the boundaries of the existing or closed
16 military installation.

17 SECTION 247. IC 36-7-15.1-17, AS AMENDED BY P.L.219-2007,
18 SECTION 128, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) In addition to other methods
20 of raising money for property acquisition or redevelopment in a
21 redevelopment project area, and in anticipation of the special tax to be
22 levied under section 19 of this chapter, the taxes allocated under
23 section 26 of this chapter, or other revenues of the redevelopment
24 district, the commission may, by resolution, issue the bonds of the
25 redevelopment district in the name of the consolidated city and in
26 accordance with IC 36-3-5-8. The amount of the bonds may not exceed
27 the total, as estimated by the commission, of all expenses reasonably
28 incurred in connection with the acquisition and redevelopment of the
29 property, including:

30 (1) the total cost of all land, rights-of-way, and other property to
31 be acquired and redeveloped;

32 (2) all reasonable and necessary architectural, engineering, legal,
33 financing, accounting, advertising, bond discount, and
34 supervisory expenses related to the acquisition and redevelopment
35 of the property or the issuance of bonds;

36 (3) capitalized interest permitted in this chapter and a debt service
37 reserve for the bonds, to the extent that the redevelopment
38 commission determines that a reserve is reasonably required;

39 (4) the total cost of all clearing and construction work provided
40 for in the resolution; and

41 (5) expenses that the commission is required or permitted to pay
42 under IC 8-23-17.

43 (b) If the commission plans to acquire different parcels of land or let
44 different contracts for redevelopment work at approximately the same
45 time, whether under one (1) or more resolutions, the commission may
46 provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable subject to the requirements of the bond resolution for the registration of the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the commission.

(d) The commission shall certify a copy of the resolution authorizing the bonds to the fiscal officer of the consolidated city, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds shall be executed by the city executive and attested by the fiscal officer. The interest coupons, if any, shall be executed by the facsimile signature of the fiscal officer.

(f) The bonds are exempt from taxation as provided by IC 6-8-5.

(g) The city fiscal officer shall sell the bonds according to law. Notwithstanding IC 36-3-5-8, bonds payable solely or in part from tax proceeds allocated under section 26(b)(2) of this chapter or other revenues of the district may be sold at private negotiated sale and at a price or prices not less than ninety-seven percent (97%) of the par value.

(h) The bonds are not a corporate obligation of the city but are an indebtedness of the redevelopment district. The bonds and interest are payable:

- (1) from a special tax levied upon all of the property in the redevelopment district, as provided by section 19 of this chapter;
- (2) from the tax proceeds allocated under section 26(b)(2) of this chapter;
- (3) from other revenues available to the commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3);

and from any revenues of the designated project. If the bonds are payable solely from the tax proceeds allocated under section 26(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(i) Proceeds from the sale of the bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issue.

(j) Notwithstanding IC 36-3-5-8, the laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of:
 - (A) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(B) taxpayers and voters to vote on the proposed issuance of bonds under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;

applicable to bonds issued under this chapter do not apply to bonds payable solely or in part from tax proceeds allocated under section 26(b)(2) of this chapter, other revenues of the commission, or any combination of these sources.

(k) If bonds are issued under this chapter that are payable solely or in part from revenues to the commission from a project or projects, the commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission. The commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the commission that are payable solely from revenues of the commission must contain a statement to that effect in the form of bond."

Page 240, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 249. IC 36-7-15.1-45, AS AMENDED BY P.L.219-2007, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 45. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 50 of this chapter, the taxes allocated under section 53 of this chapter, or other revenues of the redevelopment district, a commission may, by resolution, issue the bonds of its redevelopment district in the name of the excluded city. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted in this chapter and a debt service reserve for the bonds, to the extent that the redevelopment commission determines that a reserve is reasonably required;
- (4) the total cost of all clearing and construction work provided

1 for in the resolution; and

2 (5) expenses that the commission is required or permitted to pay
3 under IC 8-23-17.

4 (b) If a commission plans to acquire different parcels of land or let
5 different contracts for redevelopment work at approximately the same
6 time, whether under one (1) or more resolutions, a commission may
7 provide for the total cost in one (1) issue of bonds.

8 (c) The bonds must be dated as set forth in the bond resolution and
9 negotiable subject to the requirements concerning registration of the
10 bonds. The resolution authorizing the bonds must state:

11 (1) the denominations of the bonds;

12 (2) the place or places at which the bonds are payable; and

13 (3) the term of the bonds, which may not exceed fifty (50) years.

14 The resolution may also state that the bonds are redeemable before
15 maturity with or without a premium, as determined by the commission.

16 (d) The commission shall certify a copy of the resolution authorizing
17 the bonds to the fiscal officer of the excluded city, who shall then
18 prepare the bonds. The seal of the unit must be impressed on the bonds,
19 or a facsimile of the seal must be printed on the bonds.

20 (e) The bonds shall be executed by the excluded city executive and
21 attested by the excluded city fiscal officer. The interest coupons, if any,
22 shall be executed by the facsimile signature of the excluded city fiscal
23 officer.

24 (f) The bonds are exempt from taxation as provided by IC 6-8-5.

25 (g) The excluded city fiscal officer shall sell the bonds according to
26 law. Bonds payable solely or in part from tax proceeds allocated under
27 section 53(b)(2) of this chapter or other revenues of the district may be
28 sold at private negotiated sale and at a price or prices not less than
29 ninety-seven percent (97%) of the par value.

30 (h) The bonds are not a corporate obligation of the excluded city but
31 are an indebtedness of the redevelopment district. The bonds and
32 interest are payable:

33 (1) from a special tax levied upon all of the property in the
34 redevelopment district, as provided by section 50 of this chapter;

35 (2) from the tax proceeds allocated under section 53(b)(2) of this
36 chapter;

37 (3) from other revenues available to the commission; or

38 (4) from a combination of the methods described in subdivisions
39 (1) through (3);

40 and from any revenues of the designated project. If the bonds are
41 payable solely from the tax proceeds allocated under section 53(b)(2)
42 of this chapter, other revenues of the redevelopment commission, or
43 any combination of these sources, they may be issued in any amount
44 without limitation.

45 (i) Proceeds from the sale of the bonds may be used to pay the cost
46 of interest on the bonds for a period not to exceed five (5) years from

1 the date of issue.

2 (j) The laws relating to:

3 (1) the filing of petitions requesting the issuance of bonds; and

4 (2) the right of:

5 (A) taxpayers and voters to remonstrate against the issuance of
6 bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

7 **(B) taxpayers and voters to vote on the proposed issuance**
8 **of bonds under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

9 applicable to bonds issued under this chapter do not apply to bonds
10 payable solely or in part from tax proceeds allocated under section
11 53(b)(2) of this chapter, other revenues of the commission, or any
12 combination of these sources.

13 (k) If bonds are issued under this chapter that are payable solely or
14 in part from revenues to a commission from a project or projects, a
15 commission may adopt a resolution or trust indenture or enter into
16 covenants as is customary in the issuance of revenue bonds. The
17 resolution or trust indenture may pledge or assign the revenues from
18 the project or projects but may not convey or mortgage any project or
19 parts of a project. The resolution or trust indenture may also contain
20 any provisions for protecting and enforcing the rights and remedies of
21 the bond owners as may be reasonable and proper and not in violation
22 of law, including covenants setting forth the duties of the commission.
23 The commission may establish fees and charges for the use of any
24 project and covenant with the owners of bonds to set those fees and
25 charges at a rate sufficient to protect the interest of the owners of the
26 bonds. Any revenue bonds issued by the commission that are payable
27 solely from revenues of the commission must contain a statement to
28 that effect in the form of bond.

29 SECTION 250. IC 36-7-30-18, AS AMENDED BY P.L.219-2007,
30 SECTION 134, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) In addition to other methods
32 of raising money for property acquisition, redevelopment, or economic
33 development activities in or directly serving or benefiting a military
34 base reuse area, and in anticipation of the taxes allocated under section
35 25 of this chapter, other revenues of the district, or any combination of
36 these sources, the reuse authority may by resolution issue the bonds of
37 the special taxing district in the name of the unit.

38 (b) The reuse authority shall certify a copy of the resolution
39 authorizing the bonds to the municipal or county fiscal officer, who
40 shall then prepare the bonds. The seal of the unit must be impressed on
41 the bonds, or a facsimile of the seal must be printed on the bonds.

42 (c) The bonds must be executed by the appropriate officer of the
43 unit and attested by the unit's fiscal officer.

44 (d) The bonds are exempt from taxation for all purposes.

45 (e) Bonds issued under this section may be sold at public sale in
46 accordance with IC 5-1-11 or at a negotiated sale.

(f) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the reuse authority, from any of the following:

- (1) The tax proceeds allocated under section 25 of this chapter.
- (2) Other revenues available to the reuse authority.
- (3) A combination of the methods stated in subdivisions (1) through (2).

If the bonds are payable solely from the tax proceeds allocated under section 25 of this chapter, other revenues of the reuse authority, or any combination of these sources, the bonds may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(B) **taxpayers and voters to vote on the proposed issuance of bonds under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the reuse authority, the reuse authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the reuse authority and properties becoming available to the reuse authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the reuse authority. The reuse authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the reuse authority that are payable solely from revenues of the reuse authority shall contain a statement to that effect in the form of the bond."

Page 242, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 251. IC 36-7-30.5-23, AS AMENDED BY P.L.219-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) In addition to

other methods of raising money for property acquisition, redevelopment, reuse, or economic development activities in or directly serving or ~~benefitting~~ **benefitting** a military base development area, and in anticipation of the taxes allocated under section 30 of this chapter, other revenues of the district, or any combination of these sources, the development authority may by resolution issue the bonds of the development authority.

(b) The secretary-treasurer of the development authority shall prepare the bonds. The seal of the development authority must be impressed on the bonds or a facsimile of the seal must be printed on the bonds.

(c) The bonds must be executed by the president of the development authority and attested by the secretary-treasurer.

(d) The bonds are exempt from taxation for all purposes.

(e) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(f) The bonds are not a corporate obligation of a unit but are an indebtedness of only the development authority. The bonds and interest are payable, as set forth in the bond resolution of the development authority, from any of the following:

(1) The tax proceeds allocated under section 30 of this chapter.

(2) Other revenues available to the development authority.

(3) A combination of the methods stated in subdivisions (1) through (2).

The bonds issued under this section may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(B) **taxpayers and voters to vote on the proposed issuance of bonds under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the development authority, the development authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the development authority and properties becoming available to the

development authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the development authority. The development authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the development authority that are payable solely from revenues of the development authority shall contain a statement to that effect in the form of the bond."

Page 243, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 253. IC 36-9-3-31, AS AMENDED BY P.L.219-2007, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 31. (a) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The authority may issue revenue or general obligation bonds under this section.

(c) The board may issue revenue bonds of the authority for the purpose of procuring money to pay the cost of acquiring real or personal property for the purpose of this chapter. The issuance of bonds must be authorized by resolution of the board and approved by the county fiscal bodies of the counties in the authority before issuance. The resolution must provide for the amount, terms, and tenor of the bonds, and for the time and character of notice and mode of making sale of the bonds.

(d) The bonds are payable at the times and places determined by the board, but they may not run more than thirty (30) years after the date of their issuance and must be executed in the name of the authority by an authorized officer of the board and attested by the secretary. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the authorized officer of the board.

(e) The president of the authority shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of bonds, the president shall cause notice of the sale to be published in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold in accordance with IC 5-1-11. After the bonds have been properly sold and executed, the executive director or president shall deliver them to the controller of the authority and take a receipt for them, and shall certify to the treasurer the amount that the purchaser is

1 to pay, together with the name and address of the purchaser. On
 2 payment of the purchase price the controller shall deliver the bonds to
 3 the purchaser, and the controller and executive director or president
 4 shall report their actions to the board.

5 (f) General obligation bonds issued under this section are subject to
 6 the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following:**

7 (1) The filing of a petition requesting the issuance of bonds.

8 (2) The appropriation of the proceeds of bonds.

9 (3) The right of taxpayers to appeal and be heard on the proposed
 10 appropriation.

11 (4) The approval of the appropriation by the department of local
 12 government finance.

13 (5) The right of:

14 (A) taxpayers and voters to remonstrate against the issuance of
 15 bonds ~~and in the case of a proposed bond issue described by~~
 16 **IC 6-1.1-20-3.1(a); or**

17 **(B) taxpayers and voters to vote on the issuance of bonds**
 18 **in the case of a proposed bond issue described by**
 19 **IC 6-1.1-20-3.5(a).**

20 (6) The sale of bonds for not less than their par value.

21 (g) Notice of the filing of a petition requesting the issuance of
 22 bonds, notice of determination to issue bonds, and notice of the
 23 appropriation of the proceeds of the bonds shall be given by posting in
 24 the offices of the authority for a period of one (1) week and by
 25 publication in accordance with IC 5-3-1.

26 (h) The bonds are not a corporate indebtedness of any unit, but are
 27 an indebtedness of the authority as a municipal corporation. A suit to
 28 question the validity of the bonds issued or to prevent their issuance
 29 may not be instituted after the date set for sale of the bonds, and after
 30 that date the bonds may not be contested for any cause.

31 (i) The bonds issued under this section and the interest on them are
 32 exempt from taxation for all purposes except the financial institutions
 33 tax imposed under IC 6-5.5 or a state inheritance tax imposed under
 34 IC 6-4.1.

35 SECTION 254. IC 36-9-4-45, AS AMENDED BY P.L.219-2007,
 36 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2008]: Sec. 45. (a) Bonds issued under this
 38 chapter:

39 (1) shall be issued in the denomination;

40 (2) are payable over a period not to exceed thirty (30) years from
 41 the date of the bonds; and

42 (3) mature;

43 as determined by the ordinance authorizing the bond issue.

44 (b) All bonds issued under this chapter, the interest on them, and the
 45 income from them are exempt from taxation to the extent provided by
 46 IC 6-8-5-1.

(c) The provisions of IC 6-1.1-20 relating to:

- (1) filing petitions requesting the issuance of bonds and giving notice of those petitions;
- (2) giving notice of a hearing on the appropriation of the proceeds of the bonds;
- (3) the right of taxpayers to appear and be heard on the proposed appropriation;
- (4) the approval of the appropriation by the department of local government finance; and
- (5) the right of:
 - (A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**
 - (B) taxpayers and voters to vote on the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);**

apply to the issuance of bonds under this chapter.

(d) A suit to question the validity of bonds issued under this chapter or to prevent their issue and sale may not be instituted after the date set for the sale of the bonds, and the bonds are incontestable after that date."

Page 244, between lines 2 and 3, begin a new paragraph and insert:
 "SECTION 256. IC 36-10-3-24, AS AMENDED BY P.L.219-2007, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. (a) In order to raise money to pay for land to be acquired for any of the purposes named in this chapter, to pay for an improvement authorized by this chapter, or both, and in anticipation of the special benefit tax to be levied as provided in this chapter, the board shall cause to be issued, in the name of the unit, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the board under section 23 of this chapter is confirmed whereby different parcels of land are to be acquired, or more than one (1) contract for work is let by the board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than

forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the board shall certify a copy of the resolution to the unit's fiscal officer. The fiscal officer shall prepare the bonds, and the unit's executive shall execute them, attested by the fiscal officer.

(c) The bonds and the interest on them are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

(1) the filing of a petition requesting the issuance of bonds;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) **taxpayers and voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);**

(3) the appropriation of the proceeds of the bonds and approval by the department of local government finance; and

(4) the sale of bonds at public sale for not less than their par value.

(d) The board may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the unit, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. The bonds must recite the terms upon their face, together with the purposes for which they are issued.

SECTION 257. IC 36-10-4-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 35. (a) In order to pay for:

(1) land to be acquired for any of the purposes of this chapter;

(2) an improvement authorized by this chapter; or

(3) both;

the board shall issue the bonds of the district in the name of the city in anticipation of the special benefits tax to be levied under this chapter. The amount of the bonds may not exceed the estimated cost of all land to be acquired and the estimated cost of all improvements provided in the resolution, including all expenses necessarily incurred in the proceedings and a sum sufficient to pay the estimated costs of supervision and inspection during the period of construction. Expenses

1 include all expenses actually incurred preliminary to acquisition of the
 2 land and the construction work, such as the estimated cost of the
 3 necessary record, engineering expenses, publication of notices,
 4 preparation of bonds, and other expenses necessary to letting the
 5 contract and selling the bonds.

6 (b) The total amount of any benefits that have been assessed by the
 7 board and confirmed against lots and parcels of land, exclusive of
 8 improvements, lying within two thousand (2,000) feet on either side of
 9 the land to be acquired or of the improvement, however, shall be
 10 deducted from the estimated cost.

11 (c) If more than one (1) resolution or proceeding of the board under
 12 section 25 of this chapter is confirmed whereby different parcels of
 13 land are to be acquired or more than one (1) contract for work is let by
 14 the board at approximately the same time, the estimated cost involved
 15 under all of the resolutions and proceedings may be contained in one
 16 (1) issue of bonds.

17 (d) The bonds shall be issued in any denomination up to five
 18 thousand dollars (\$5,000) each. The bonds are negotiable instruments
 19 and bear interest at a rate established by the board and approved by the
 20 city legislative body.

21 (e) After adopting a resolution ordering the bonds, the board shall
 22 certify a copy of the resolution to the fiscal officer of the city. The
 23 fiscal officer shall then prepare the bonds, which shall be executed by
 24 the city executive and attested by the fiscal officer. The bonds are
 25 exempt from taxation for all purposes and are subject to IC 6-1.1-20
 26 concerning:

27 (1) the filing of a petition requesting the issuance of bonds; and

28 (2) the right of:

29 (A) taxpayers to remonstrate against the issuance of bonds **in**
 30 **the case of a proposed bond issue described by**
 31 **IC 6-1.1-20-3.1(a); or**

32 (B) **taxpayers and voters to vote on the issuance of bonds**
 33 **in the case of a proposed bond issue described by**
 34 **IC 6-1.1-20-3.5(a).**

35 (f) All bonds shall be sold at not less than par value plus accrued
 36 interest to date of delivery by the city fiscal officer to the highest bidder
 37 after giving notice of the sale of the bonds by publication in accordance
 38 with IC 5-3-1.

39 (g) The bonds are subject to approval by the city legislative body,
 40 in the manner it prescribes by ordinance or resolution.

41 (h) The bonds are not corporate obligations or indebtedness of the
 42 city, but are an indebtedness of the district as a special taxing district.
 43 The bonds and interest are payable only out of a special tax levied upon
 44 all property of the district. The bonds must recite these terms upon their
 45 face, together with the purposes for which they are issued.

46 (i) An action to question the validity of bonds of the district or to

1 prevent their issue may not be brought after the date set for the sale of
2 the bonds.

3 (j) The board may, instead of selling the bonds in series, sell the
4 bonds to run for a period of five (5) years from the date of issue for the
5 purposes of this chapter at any rate of interest payable semiannually,
6 also exempt from taxation for all purposes. The board may sell bonds
7 in series to refund the five (5) year bonds.

8 SECTION 258. IC 36-10-7.5-22, AS AMENDED BY P.L.219-2007,
9 SECTION 145, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2008]: Sec. 22. (a) To raise money to pay for
11 land to be acquired for any of the purposes named in this chapter or to
12 pay for an improvement authorized by this chapter, and in anticipation
13 of the special benefit tax to be levied as provided in this chapter, the
14 legislative body shall issue in the name of the township the bonds of
15 the district. The bonds may not exceed in amount the total cost of all
16 land to be acquired and all improvements described in the resolution,
17 including all expenses necessarily incurred in connection with the
18 proceedings, together with a sum sufficient to pay the costs of
19 supervision and inspection during the period of construction of a work.
20 The expenses to be covered in the bond issue include all expenses of
21 every kind actually incurred preliminary to acquiring the land and the
22 construction of the work, such as the cost of the necessary record,
23 engineering expenses, publication of notices, preparation of bonds, and
24 other necessary expenses. If more than one (1) resolution or proceeding
25 of the legislative body under this chapter is confirmed whereby
26 different parcels of land are to be acquired or more than one (1)
27 contract for work is let by the executive at approximately the same
28 time, the cost involved under all of the resolutions and proceedings
29 may be included in one (1) issue of bonds.

30 (b) The bonds may be issued in any denomination not less than one
31 thousand dollars (\$1,000) each, in not less than five (5) nor more than
32 forty (40) annual series. The bonds are payable one (1) series each
33 year, beginning at a date after the receipt of taxes from a levy made for
34 that purpose. The bonds are negotiable. The bonds may bear interest at
35 any rate, payable semiannually. After adopting a resolution ordering
36 bonds, the legislative body shall certify a copy of the resolution to the
37 township's fiscal officer. The fiscal officer shall prepare the bonds, and
38 the executive shall execute the bonds, attested by the fiscal officer.

39 (c) The bonds and the interest on the bonds are exempt from
40 taxation as prescribed by IC 6-8-5-1. Bonds issued under this section
41 are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

42 (1) the filing of a petition requesting the issuance of bonds;

43 (2) the right of:

44 (A) taxpayers and voters to remonstrate against the issuance of
45 bonds **in the case of a proposed bond issue described by**
46 **IC 6-1.1-20-3.1(a); or**

**(B) taxpayers and voters to vote on the issuance of bonds
in the case of a proposed bond issue described by
IC 6-1.1-20-3.5(a);**

(3) the appropriation of the proceeds of the bonds with the approval of the department of local government finance; and

(4) the sale of bonds at public sale for not less than the par value of the bonds.

(d) The legislative body may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the township but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. A bond must recite the terms upon the face of the bond, together with the purposes for which the bond is issued.

SECTION 259. IC 36-10-8-16, AS AMENDED BY P.L.219-2007, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), also of the city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be issued.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the county executive authorizing the issuance of general obligation bonds, or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body of the city authorizing the issuance of general obligation bonds. The resolution must set forth an itemization of the funds and assets received by the board, together with the board's valuation and certification of the cost. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the proper officers, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital

improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, ~~as~~ **at** the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the proper officers may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) taxpayers and voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the giving of notice of the determination to issue bonds;

(4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;

(5) the right of taxpayers to appear and be heard on the proposed appropriation;

(6) the approval of the appropriation by the department of local government finance; and

(7) the sale of bonds at public sale;

apply to the issuance of bonds under this section.

SECTION 260. IC 36-10-9-15, AS AMENDED BY P.L.219-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the board of commissioners of the county authorizing the issuance of general obligation bonds. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the board of commissioners of the county, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement

1 to be financed by the bonds, the estimated annual tax revenues, and the
 2 maximum amount payable in any year as principal and interest on the
 3 bonds issued under this chapter, including the bonds proposed to be
 4 issued, at the maximum interest rate set forth in the resolution. The
 5 bonds issued may mature over a period not exceeding forty (40) years
 6 from the date of issue.

7 (c) Upon receipt of the resolution and certificate, the board of
 8 commissioners of the county may adopt them and take all action
 9 necessary to issue the bonds in accordance with the resolution. An
 10 action to contest the validity of bonds issued under this section may not
 11 be brought after the fifteenth day following the receipt of bids for the
 12 bonds.

13 (d) The provisions of all general statutes relating to:

14 (1) the filing of a petition requesting the issuance of bonds and
 15 giving notice;

16 (2) the right of:

17 (A) taxpayers and voters to remonstrate against the issuance of
 18 bonds **in the case of a proposed bond issue described by**
 19 **IC 6-1.1-20-3.1(a); or**

20 (B) taxpayers and voters to vote on the issuance of bonds
 21 **in the case of a proposed bond issue described by**
 22 **IC 6-1.1-20-3.5(a);**

23 (3) the giving of notice of the determination to issue bonds;

24 (4) the giving of notice of a hearing on the appropriation of the
 25 proceeds of bonds;

26 (5) the right of taxpayers to appear and be heard on the proposed
 27 appropriation;

28 (6) the approval of the appropriation by the department of local
 29 government finance; and

30 (7) the sale of bonds at public sale for not less than par value;

31 are applicable to the issuance of bonds under this section."

32 Page 245, delete lines 29 through 30.

33 Page 245, line 31, delete "(c)" and insert "(b)".

34 Page 253, between lines 31 and 32, begin a new paragraph and
 35 insert:

36 "SECTION 252. [EFFECTIVE JULY 1, 2008] **Notwithstanding**
 37 **the effective date of IC 6-1.1-18.5-8, as amended by this act, the**
 38 **provisions of IC 6-1.1-18.5-8, as amended by this act, that do not**

1 **concern an election held under IC 6-1.1-20-3.6, as added by this**
2 **act, do not apply to a taxing unit other than a civil taxing unit until**
3 **after December 31, 2008."**

4 Renumber all SECTIONS consecutively.

 (Reference is to HB 1001 as printed January 17, 2008.)

Representative Smith M